

KRONENBERGER ROSENFELD, LLP

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Attorneys for Defendants Omar Qazi
and Smick Enterprises, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AARON GREENSPAN,

Plaintiff,

v.

OMAR QAZI, et al.,

Defendants.

Case No. 3:20-cv-03426-JD

**DECLARATION OF KARL S.
KRONENBERGER IN SUPPORT OF
DEFENDANTS OMAR QAZI AND
SMICK ENTERPRISES, INC.'S
OPPOSITION TO PLAINTIFF'S MOTION
FOR FRCP 11 SANCTIONS ON
KRONENBERGER ROSENFELD
LLP AND DEFENDANTS OMAR
QAZI AND SMICK
ENTERPRISES, INC.**

Date: October 1, 2020

Time: 10:00 a.m.

Before: The Hon. James Donato

Ctrm.: 11, 19th Floor

1 I, Karl S. Kronenberger, declare as follows:

2 1. I am an attorney admitted to practice law in the State of California and before
3 this Court. I am a partner at the law firm of Kronenberger Rosenfeld, LLP, counsel of record
4 for Defendants Omar Qazi and Smick Enterprises, Inc. (collectively, "Defendants") in this
5 action. Unless otherwise stated, I have personal knowledge of the facts stated herein.

6 2. Throughout this case, I have repeatedly tried to work cooperatively with pro
7 se Plaintiff Aaron Greenspan, including on issues related to Plaintiff's present motion. My
8 firm, Defendants, and I have spent multiple hours and thousands of dollars trying to work
9 with Plaintiff on various issues, in particular on lifting default on Plaintiff's original
10 Complaint [D.E. 44], opposing Plaintiff's request for default on the First Amended
11 Complaint [D.E. 46], and stipulating to allow Plaintiff to file a Second Amended Complaint
12 [D.E. 69].

13 3. Plaintiff's motion claims that the filing of D.E. Nos. 44 and 46 violated Federal
14 Rule of Civil Procedure ("Rule") 11. My firm, Defendants, and I take Rule 11 motions very
15 seriously but find no basis for the motion in this case. In particular, our filings reflected in
16 D.E. Nos. 44 and 46 were made after consultation with our clients, and in particular we
17 relied on the Declaration of Mr. Qazi [D.E. 44-1], which I found to be reasonable and
18 supported by the circumstances and facts known to me.

19 4. On August 12, 2020, I emailed Plaintiff, disputing that there was any unlawful
20 or sanctionable conduct, in response to Plaintiff's threat to file the present motion for
21 sanctions. A true and correct copy of that email is attached hereto as **Exhibit A**.

22 5. On September 2, 2020, the Court issued an Order regarding default and
23 civility, resolving the default issues. [D.E. 72.] On the same day, I emailed Plaintiff asking
24 that, given the order, would Plaintiff consider withdrawing the present motion for sanctions;
25 I also discussed these issues on the phone with Plaintiff, and Plaintiff indicated he would
26 not withdraw the present motion for sanctions. A true and correct copy of the foregoing
27 email correspondence is attached hereto as **Exhibit B**.

28 I declare under penalty of perjury under the laws of the United States of America

that the foregoing is true and correct.

DATED: September 2, 2020

s/Karl S. Kronenberger

Karl S. Kronenberger

Exhibit A

From: Karl Kronenberger <karl@krinternetlaw.com >
To: Aaron Greenspan <aaron.greenspan@plainsite.org >
CC: Jeff Rosenfeld <jeff@krinternetlaw.com >, Liana Chen<liana@krinternetlaw.com >, Leah Vulic <leah@krinternetlaw.com >
Subject: RE: Motion for Sanctions
Date: Wed, 12 Aug 2020 23:04:33 +0000
Message-ID: <BYAPR02MB4727F6E6D3DF5A5E1FBCE2E2D9420@BYAPR02MB4727.namprd02.prod.outlook.com >

Hello Aaron,

We have reviewed your motion for sanctions, and we dispute that there has been any unlawful or sanctionable conduct, including as related to the differing opinions about service or anonymous online accounts. In efforts to try to resolve these issues, we have filed an updated certificate of interested entities, and we have requested that the Court allow our clients to respond to the FAC (which was filed on July 2) by August 18.

Sincerely,

Karl

-----Original Message-----

From: Aaron Greenspan <aaron.greenspan@plainsite.org >
Sent: Monday, July 27, 2020 9:39 PM
To: Karl Kronenberger <karl@krinternetlaw.com >
Cc: Jeff Rosenfeld <jeff@krinternetlaw.com >; Liana Chen <liana@krinternetlaw.com >; Leah Vulic <leah@krinternetlaw.com >
Subject: Motion for Sanctions

Karl,

For your convenience, attached is a copy of the motion for sanctions served on Saturday.

Aaron

PlainSite | <https://www.plainsite.org>

Exhibit B

From: Karl Kronenberger <karl@krinternetlaw.com >
To: Aaron Greenspan <aaron.greenspan@plainsite.org >
CC: Jeff Rosenfeld <jeff@krinternetlaw.com >, Liana Chen<liana@krinternetlaw.com >, Kate Hollist <kate@krinternetlaw.com >, Liana Chen<liana@krinternetlaw.com >
Subject: Request to Withdraw Rule 11 Motion
Date: Wed, 2 Sep 2020 22:13:57 +0000
Message-ID: <BYAPR02MB472738BB488E21EAE0840B58D92F0@BYAPR02MB4727.namprd02.prod.outlook.com >

Hello Aaron:

Given the order today from the Court lifting default, will you consider withdrawing your Rule 11 motion?

We need to file our opposition in the next hour or so if you don’t withdraw the motion.

Very best regards,

Karl

Karl S. Kronenberger

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